

RICHARD J. DOREN, SBN 124666  
rdoren@gibsondunn.com  
DANIEL G. SWANSON, SBN 116556  
dswanson@gibsondunn.com  
JASON C. LO, SBN 219030  
jlo@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Avenue  
Los Angeles, CA 90071  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

MARK A. PERRY, SBN 212532  
mark.perry@weil.com  
JOSHUA M. WESNESKI, D.C. Bar No.  
1500231; *pro hac vice*  
joshua.wesneski@weil.com  
WEIL, GOTSHAL & MANGES LLP  
2001 M Street NW, Suite 600  
Washington, DC 20036  
Telephone: 202.682.7000  
Facsimile: 202.857.0940

CYNTHIA E. RICHMAN, D.C. Bar No.  
492089; *pro hac vice*  
crichman@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036  
Telephone: 202.955.8500  
Facsimile: 202.467.0539

**Attorneys for Defendant APPLE INC.**

JULIAN W. KLEINBRODT, SBN 302085  
jkleinbrodt@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
One Embarcadero Center, Suite 2600  
San Francisco, CA 94111  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.

Plaintiff, Counter-defendant  
v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR

**DECLARATION OF MARK A. PERRY IN  
SUPPORT OF APPLE INC.'S  
ADMINISTRATIVE MOTION TO  
MODIFY ORDER REGARDING WITNESS  
COMMUNICATIONS**

The Honorable Yvonne Gonzalez Rogers  
Courtroom 1, 4th Floor

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar  
3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple  
4 Inc. ("Apple") in this case. I submit this declaration in support of Apple's motion for administrative  
5 relief.

6 2. I am aware that under Northern District of California Civil Local Rule 7-11 a party may  
7 make a motion for administrative relief regarding "miscellaneous administrative matters, not otherwise  
8 governed by a federal statute, Federal Rule, local rule, or standing order of the assigned Judge." N.D.  
9 Cal. Civil Local Rule 7-11.

10 3. I am also aware that a motion under Northern District of California Civil Local Rule 7-  
11 11 "must be accompanied by a proposed order and by either a stipulation under Civil L.R. 7-12 or by  
12 a declaration that explains why a stipulation could not be obtained." N.D. Cal. Civil Local Rule 7-  
13 11(a).

14 4. On October 10, 2024, counsel for Apple asked counsel for Epic Games, Inc. ("Epic") if  
15 Epic would stipulate to the relief sought in Apple's administrative motion. Epic declined to so stipulate.

16 5. Attached hereto as Exhibit A is a true and correct transcript of the August 8, 2024,  
17 hearing that took place in this case before the Honorable Thomas S. Hixson, Magistrate Judge, with  
18 relevant portions highlighted.

19 Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true  
20 and correct. Executed this 11th day of October, 2024, in Washington, District of Columbia.

21  
22 /s/ Mark A. Perry  
23 Mark A. Perry  
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